

### **Statement of Purpose:**

The purpose of this regulatory revision is to create a new category of pesticide operators certificate, extend the valid life of aquatic permits to a period of up to three years, clarify the requirements for posting signs, and to harmonize the arborist regulations with the statutes.

Section 1 adds some necessary definitions and clarifies some others with respect to the instructions given to operational level pesticide applicators.

Section 2 creates a class of operators termed “senior operators”. This new class of pesticide applicators will be able to work with more independence than the current class of operators, which will be more of an entry level type of certification. Currently, persons holding a pesticide operational certificate require either on-site supervision by certified supervisors, or detailed written instructions that limit their ability to make decisions about pesticide application if conditions change. Since the senior operator will need to demonstrate a higher level of competence through examination, they will be allowed to make more decisions about pest control allowing for a more integrated approach to pest control. The instructions given by the supervisor will therefore be more pest specific rather than site specific. This would allow a person with the senior operator certification to use his or her judgment when identifying pests and choosing the best sites to apply pesticides.

Section 3 extends the expiration of aquatic chemical permits for a period of up to three years. Many applications are repeated year after year, and granting multi-year permits would reduce the administrative burden on both the agency and the permit applicants. There still would be, as there is now, the ability to request permit revisions in order to address changed circumstances. The fee amounts have been changed to reflect recent statutory increases.

Section 4 clarifies the content and format of the signs that are required to be posted when pesticide applications take place. The purpose of these signs is to inform the public about the application. Some companies have been using the signs as an advertisement, using a larger sign with their company name and logo prominent, while the pesticide warning statement is relegated to an inconspicuous corner. This dilutes the message, and the proposed regulations will establish the language and size of the signs so as to ensure that the pesticide notification language is clearly noticeable and obvious.

Section 5 harmonizes the arborist licensing regulations with the statutory language. The statutes were amended in 1998 to transfer licensing authority from the Department of Consumer Protection to the Department of Energy and Environmental Protection. The regulations change the references from the former agency to the latter, and also reflect the new role, again consistent with the statute change, for the Tree Protection Examining Board. There is also language reflecting fee increases imposed by statute since the earlier version of regulations were adopted.